

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

SPECIAL ORDER NO. _____

REQUIRING SPECIFIC FACILITIES
TO COMPLY WITH
WASTE DISCHARGE REQUIREMENTS GENERAL ORDER NO. R5-2007-0035
FOR EXISTING MILK COW DAIRIES

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The California Regional Water Quality Control Board, Central Valley Region (hereafter Central Valley Water Board), finds that:

1. The Central Valley Water Board has adopted individual waste discharge requirements (WDRs) for the milk cow dairies in Attachment A. These WDRs have been scheduled to be updated to ensure that they are current with respect to regulations and other aspects of the Central Valley Water Board's program.
2. On 25 October 1996, the Central Valley Water Board adopted Special Order No. 96-274 Requiring Specific Facilities to Comply with the General Waste Discharge Requirements for Milk Cow Dairies (General Order No. 96-270). Facilities currently operating under General Order No. 96-270 are listed in Attachment B. These WDRs have been scheduled to be updated to ensure that they are current with respect to regulations and other aspects of the Central Valley Water Board's program.
3. The existing milk cow dairies listed in Attachments A and B were placed under individual WDRs or General Order No. 96-270 because they failed to meet the conditions needed to maintain a waiver of WDRs. The Central Valley Water Board has determined that these facilities should continue to be regulated by WDRs and that the requirements in the Waste Discharge Requirements General Order No. R5-2007-0035 for Existing Milk Cow Dairies (General Order No. R5-2007-0035) are appropriate. Requiring these facilities to comply with General Order No. R5-2007-0035 will allow the Central Valley Water Board to update the requirements on these existing dairies without having to prepare individual WDRs.
4. General Order No. R5-2007-0035 is limited to existing milk cow dairies that were fully constructed and operating as of 17 October 2005 and which have subsequently undergone no expansion in the size or scope of its herd, facilities, or operation. Findings in General Order No. R5-2007-0035 concluded that adoption of General Order No. R5-2007-0035 was categorically exempt from the California Environmental Quality Act (CEQA) consistent with Title 14 California Code of Regulations Section 15301, which

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exempts from CEQA the permitting of existing facilities involving negligible or no expansion. The Central Valley Water Board has determined that the dairies listed in Attachments A and B of this Special Order are existing milk cow dairies consistent with the definition in General Order No. R5-2007-0035. Therefore, the adoption of this Special Order is categorically exempt from CEQA, consistent with Title 14 California Code of Regulations Section 15301.

5. Findings in General Order No. R5-2007-0035 also concluded that General Order No. R5-2007-0035 was categorically exempt from CEQA, consistent with Sections 15302 and 15304 of Title 14 California Code of Regulations. Section 15302 categorically exempts the replacement or reconstruction of existing structures and facilities from CEQA where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. Section 15304 categorically exempts from CEQA minor alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for agricultural purposes. The Central Valley Water Board has determined that the placement of the dairies listed in Attachments A and B under General Order No. R5-2007-0035 may require the improvement, replacement, or reconstruction of existing facilities at these dairies that may result in minor alterations to land, water, and/or vegetation. Therefore, adoption of this Special Order is categorically exempt from CEQA, consistent with Title 14 California Code of Regulations Sections 15302 and 15304.
6. The Central Valley Water Board has notified interested agencies and persons of its intent to prescribe waste discharge requirements for the facilities listed in Attachments A and B and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
7. The Central Valley Water Board, in a public meeting, heard and considered all comments pertaining to this Order.

IT IS HEREBY ORDERED that Special Order No. 96-274 and the Orders listed in Attachment A are rescinded and that all owners and operators of facilities specified in Attachments A and B, their agents, successors and assigns, in order to meet the provisions in Division 7 of the California Water Code and regulations adopted thereunder, shall comply with the Waste Discharge Requirements General Order No. R5-2007-0035 for Existing Milk Cow Dairies.

Special Order No. _____
Requiring Specific Facilities to Comply with
Waste Discharge Requirements General Order No. R5-2007-0035
For Existing Milk Cow Dairies

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I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on _____ 2007.

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PAMELA C. CREEDON, Executive Officer

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PAL: 7 June 2007

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